

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IRMGARD LEY,

Plaintiff,

-against-

UNITED STATES OF AMERICA

Defendant.  
-----X

TOWNES, U.S.D.J.

**FILED**  
IN CLERK'S OFFICE  
U. S. DISTRICT COURT E.D. N.Y.

★ SEP 21 2005 ★

TIME A.M. \_\_\_\_\_  
P.M. \_\_\_\_\_

O3-CV-3444 (SLT)(WDW)

**MEMORANDUM  
& ORDER**

This matter was referred to Magistrate Judge William D. Wall for discovery and pre-trial purposes. On May 3, 2005, Judge Wall issued a Report and Recommendation urging this Court to administratively close this matter, with leave to reopen, pending resolution of a related state court proceeding. The Court adopts Judge Wall's Report and Recommendation in its entirety.

A district court judge may designate a magistrate to hear and determine certain motions pending before the Court and to submit to the Court proposed findings of fact and a recommendation as to the disposition of the motion. *See* 28 U.S.C. § 636(b)(1). Within ten days of service of the recommendation, any party may file written objections to the magistrate's report. *See id.* Upon *de novo* review of those portions of the record to which objections were made, the district court may affirm, reject, or modify the recommendations. *See id.*

The Court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections may waive the right to appeal the Court's Order. *See* 28 U.S.C. § 636(b)(1); *Small v.*

*Sec'y of Health and Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Judge Wall recommended that this matter be administratively closed due to the fact that there has been no activity in the case since October 2004, when the parties agreed to adjourn a scheduled mediation pending the outcome of a related proceeding in New York state court.

Objections to Judge Wall's Report and Recommendation were due by May 16, 2005. No objections to the Report and Recommendation were filed with this Court. Upon review of the recommendation, the Court adopts and affirms the Report and Recommendation of Magistrate Judge Wall.

**SO ORDERED.**

Brooklyn, New York  
Dated: August 29, 2005

  
Sandra L. Townes  
United States District Judge